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CROWN LAND AFFAIR.

[CONDENSED FROM THE "COLONIAL EMPIRE"]
Mr. Brown desired to give place to the Attorney General, by his request—which Mr. Inghes objected to, on the ground that the legal members of the government, evidently took a great deal of interest in the investigation, and that Mr. Brown was evidently acting under their advice.

Mr. Smith indignantly threw back the imputation of Mr. Inghes, that he was there as an adviser of Mr. B., and stated that he thought Mr. Inghes had entirely forgotten his position.

Mr. Inghes here said, that he would be willing to allow the Sur. Gen. to give place to the Attorney General provided he should be allowed to ask the Surveyor General one question first.

Mr. Inghes' question was then put as follows:—

Do you remember conversing with me about the delay and the increase in Deputy Whitehead's survey? Did you not say to me that the Atty Gen. came to you twice of his own accord, and told you that he had nothing to do with Deputy Whitehead's delay, and did you not then tell me, that you did not believe him?

Answer by the Surveyor General.—The truth of the matter is, I had a good deal of conversation with the Attorney General.

I had a great deal of trouble with Deputy Whitehead's delay; he delayed us all through the season; when we wrote to him several times, we found he had not completed the survey. We told him to make the survey forthwith. While this delay was going on, Mr. A. told me it was occasioned by the interference of the Attorney General with my Deputy; from what I could gather I believed it. The Attorney General came to me on two different occasions, and without my asking him anything about it, said he had nothing to do with this delay; he came again and did the same thing after that, without my asking him anything about it.

Then from the conversation with Mr. Inghes about this, believing as I did, that the Attorney General had interfered with my Deputy, I did not believe the Atty Gen.

I believed what Mr. A. told me, and from all I could gather, thought strange of the Attorney General coming to me in this way. He first came to me and said of his own accord, and I had other reasons besides what Mr. Inghes told me. I know that the Attorney General was in the habit of interfering with my department, of my own knowledge. The advertising was an instance of this. He has been in habit of interfering. I did not find any fault with him for it, but just let it pass on, I considered myself more responsible than any other member of the Government with respect to my department.

In the Attorney General's language.
The first statement is this.—Mr. Inghes stated, that I endeavored to induce him to come before this Court. I never most positively, that neither by word, thought, or action, did I, in any way, endeavor to induce him to stay away, and I state this, without any reservation or qualification whatever, and in the strongest terms which the English language enables me to employ.

I will endeavor to give the Committee the substance of what passed between Mr. Inghes and myself. And here I will observe, that I recollect distinctly what I said, and what I did not say; and also all that took place substantially; but I shall not attempt to give the substance of it in the exact order it occurred.

I felt very anxious about Mr. Inghes, when I heard of this investigation, on three grounds. One was, because in all the past political, and otherwise, and had found him a friend, and I looked upon his loss as very great if not irreparable, on account of his extensive knowledge of the Department.

The conversation that did take place between Mr. Inghes and myself substantially with regard to these difficulties has not been stated fairly by him, and as a whole it is untrue from its effects. The effect is, to misrepresent myself and the Government.

After the Committee were appointed, I went in to see him; very little took place between us then. He said that he had bought land or did not deny it at least; but did not think he had been guilty of any moral wrong; he said there was no rule of office against it; and that if a rule was made he would not buy any more. The amount of it was he did think he had done wrong, and was willing to go according to the instructions of the Department, or his superiors.

In one of the conversations, he said he would not reveal the names of two persons. I suppose at the time the whole point was with regard to these two persons before mentioned, as connection with him in these land purchases.

In conversation about the committee, I told him I was not in the House when the Committee was struck, and there was something said about his suspension. I was at

his own house, and think it was there I had to impress upon him, that his suspension was not like dismissal and that the whole thing would have to abide the decision of the Committee at last.

In one of these conversations, he alluded to the fictitious names as being the general rule; and so having been for a long time. Some reference was made to mine. I remark that there were no fictitious names about them. He said, there was in two of the lots I stated that I thought the report of this committee would influence the matter of his restoration to office. I am not sure there was anything said about his restoration.

The next morning he came to the Secretary's office and called me out; he said if he was suspended, he would hold me answerable. I told him I could not avoid it, or to that effect; he insisted that I could; he said, "I will make you" (and I think he added) "your Government feel it, or regret it, before a year. You'll see!"

Whether before or after this I know not, he said, "I'll make a clean breast of it." I said it was hardly necessary to refer to me for the sake of that, unless it came up, or to that effect. Mr. Inghes said he thought Mr. Wilmot would do him justice, I told him I had had conversation with Mr. McClellan and Mr. Hannington, and I think some others, and that they all felt well towards him.

The next thing relates to the lands. Mr. Inghes has described how the Grants pass through the different office signed by the Surveyor General with the plans inside. It would be impossible for me to examine all these grants, because though my own time is not every hour devoted to the public, I give more than the full time of one man with the parties I have to assist me. When my brother was alive, he examined these grants, with one of the students; since his death, they are examined by two of my students, who mark on the back if anything is wrong, to call my attention to it, and if right, they fill up the fact, all but my simple signature.

From the circumstance of not examining the grants myself, I saw only a certain proportion of the plans that I would necessarily have seen, if I had examined them all.

The name and quantity of land is I think, indorsed on the back of the grant. It did occur to me, that there was a good deal of speculation along the line of Railway. I think I mentioned it once or twice to Mr. Inghes. This it was that induced me to buy land myself.

I do not remember, when the Government first commenced to build the Railroad, that it took any steps to prevent this land from being taken by speculators. I was not sufficiently conversant with the Land Department. My impression is, that in my letter applying for money in England to build the Shediac Railroad, I held out the value of the whole Crown Lands generally, in the Province, and not those on the Railroad in particular, to induce parties to advance the money; but my letter will show. My impression is, that if the Crown Lands could be sold to-morrow, and the interest on the amount realized, it would amount to a very large sum.

The prevailing mind, with regard to the regulations of 1858 as to these reserves, was that they could not be worked out. The orders in Council of 1858, do not in express language repeal those of 1856, though they were intended to supersede them. Those of 1858 are the Regulations in force now; acted upon, and were looked upon as obsolete. The Regulations of 1858 do not repeal in express language those of 1856.

I think the public know that these regulations were not in use. I do not know now where Montague is, after all the two days discussion of it.

I suppose the usual course would be, when an order in Council is made reserving lands to rescind it, another order should be made repealing the first order.

I think the Regulations of 1858 have been enforced and known, ever since first promulgated. I do not remember that the defect of not repealing the former orders of Council by those of 1858, was brought under the notice of the Government and not acted upon. The regulations of 1858 repeal those of 1856, but not those of 1856, in words though it did in effect. These Reserves were intended for Emigrants.

I do not know that this land would not have fallen into the hands of speculators, if the Regulations of 1856 had not been suspended, for the reason, that I hope the Committee will remember that I am not at all intimate with this Department. The system has always been that at any public sale a man might go and purchase any quantity he chose without the condition of settlement; this can be done under the present regulations.

As the Attorney General, and Law Officer of the Crown I do not think that the regulations of 1856 could be repealed without any regulations, or orders in Council, express-

ly made, strictly speaking.

In 1857 I noticed speculation all along the line of Shediac Railroad, or in that County, and this was one reason which induced me to buy myself. I asked Mr. Inghes one day if there were 400 or 500 acres which I could get. My children had said to me, that they would like to have land; he said there was some in Salisbury. I understood from Mr. Inghes that these lands were poor. I would not buy land that was good for settlement. I told him I did not want to interfere with settlement or settlers. I forgot how many miles was from the Railway, but it was very indifferent land. I did not imagine any of it was for settlement. Mr. Inghes also said there was no valuable wood on it. I asked him if he could get me the 4 or 500 acres, payable by instalments; he said, 'Yes' I told him that I would give but 3s. per acre as it was merely to carry out the idea before mentioned about my children. In due time it was put up and sold to Jno. Smith—I don't think I looked up the plan. I knew it by the regulation of 1858, that not more than 100 acres could be bought by one person on credit payable by instalments, though I ought to have been presumed to know it; but I don't think it occurred to me at the time I never heard the name of Anagnos until I heard it here with reference to this land.

FRIDAY, 8th March.
The Committee met pursuant to adjournment, and the Attorney General continued:—

I intended at the time I received the blank transfers, to fill in the names of my children; but, subsequently, I let them all go to another party; this I did for another reason. It occurred to me that these transfers were legal and binding. That was the usual course of doing business in the office as I understood. In ordinary transactions, the validity of the blank transfers would depend upon circumstances. If Mr. Tibbitts gave me an order on Mr. Kerr for £40, payable to plank, or order, and I inserted Mr. McLeod's name, I think this would be binding, and this is a good illustration, I think.

I am prepared to give my opinion as a Lawyer, but not on oath, with regard to one set of regulations repealing another; it is, that the regulations of 1856 are not in force, and that the new set, out of necessity, supersedes the other, as the fact of making a new set presenting different means to attain the same end, but in a different mode, must necessarily supersede the others. I think the Rules of 1858 rescinded every thing in the order of 1856. There were two modes of obtaining the same end, and the latter must prevail.

I noted that parties, Frazer and others, were buying land in Elgin, and I asked Inghes what sort of land it was; he said pretty good, and it was in the neighbourhood of the mineral Country. I requested him to get the lots in the names I gave him I had the authority, of the parties to do so; one lot is for Michael Dugan, the applicant; the other three for my children. I told him I did not want to interfere with any settlers and would only give up part of the land; the lands are not near the Railway. I bought three for my children, and paid the money, and he delivered me the receipts. One of the other parties wanted one of the lots, but I wished to keep them for my children.

Railroad had nothing to do with this land. I would not buy settling land but as there is a good deal of minerals in that County I hoped the lots might come into value some day or other.

The next is Deputy Whitehead's matter. I found large tracts of land were being taken up in different parts of the country. I now mean those 10,000 acre blocks being set off for the purpose of settlement. I knew this was done to meet the outcry about Emigration, and to give effect to the anxiety about settling the country. I was satisfied that likely the men who made the outcry for settlement, when these lands come to be laid off would create a counter excitement, at the Country being locked up there in blocks for a specific purpose for a particular class.

I believe there was a number of applications which I promoted, and Deputy Whitehead was directed to survey it.

There was nothing in the regulations to prevent any part going in and buying up the whole of these lands, provided he gave most for them; but a large number of the applications were under the Labour Act which would prevent this. My idea was that the people there should have this land for their children if they wanted it. There was nothing to prevent any one man from buying up all these lands if he proved the highest bidder, if the applications were not under the Labour Act; but there would be no object to induce any man to do it.

When I went up this summer, I had given them to understand, that these lands would be open for them to apply, and when the Surveyor General had given directions that they should only be sold to actual settlers, I saw it would place me in a dilemma with

these people; and therefore resisted this, and in Council, my point was sustained. I contended with the Surveyor General, as there was no money to be expended on this block, that where the Government laid off a block of this kind, it was usually the arrangement, that they laid out some roads through them in some measure. I saw Connel had spots all the way through, and told Whitehead that if there were 100 or 200, or 300 acres worth having, to buy it for me, or get it for me. After the Survey was made, he told me he had applied for three lots. Mr. Inghes has endeavored to make the Court believe that I tried to interfere with Deputy Whitehead in this transaction. I did not, in any way whatever, but to the contrary, nor have I ever endeavored to interfere with the C. L. Office, or any other department of the Government beyond that legitimate connection the members of the Government have one with another, except in case where my own constituents were immediately concerned.

Whitehead came to me in Woodstock, when the Court sat there in September. In the evening we talked a good while about various subjects; his chief business was to induce me to authorize him to extend his order of survey, 5 or 6,000 acres.

My mind was, to accommodate Whitehead it could consistently with the public interest. I told him not to go beyond 10,000 acres till I saw the Surveyor General, and gave him no authority or encouragement to go beyond that quantity.

Whitehead knew from what I told him in Woodstock, that I had no authority to enable him to exceed his order. The Surveyor General has spoken about my remarks as to Whitehead's delay. Last year there was great difficulty in the Crown Land Office, arising from Timber Licenses getting mixed with surveys. I told the Surveyor General we had better devise some means to avoid all this.

The Committee concluded that the Atty Gen. had better go on until he got through whether they understood him or not, which several members said, they had failed to do.

[A question was here put to the Attorney General by Mr. Wilmot, as follows:—
If a Deputy Surveyor exceeds positive orders of survey, and when he applies for payment, the Surveyor General opposes it, but the Council orders it—would not such a course have the effect of causing insubordination to the orders of the Department, and incur unauthorized expense?

Answer.—I don't think there is any positive rule; it would depend entirely upon the circumstance of each case.

In cases of this kind, I think it best to reprimand the parties, and pay them; as after all it is only a question of time—the work will all have to be done eventually.

It is necessary that the Surveyor General should have a knowledge of the surveys, in order to know what lands could be disposed of.

Question by Mr. Wilmot.—If local Deputies could extend their surveys indefinitely contrary to the orders of the head of the department, and yet the payment is made by the Government, would it not have the effect of throwing the whole department into confusion?

Answer by the Attorney General; If they do it, it would with respect to timber licenses.

As Murray was a good man, and the remedy was as good then, and is now, as at any time, I wished to exhaust every other means before adopting legal proceedings.

Next was C. Connel's note. I called upon him several times to pay. The reason of Murray's case lying so long, is the distraction caused by the visit of the Prince of Wales.

Connel's note was for £90 or upwards. The reason he declined paying it was because he said he had a set off.

I will now take up the case referred to me as Atty Gen. First, the Steven's case. I remember the facts of this case substantially, and my supposition is, if there was any delay, it was Mr. Inghes' own fault.

I remember Rockwell's case; after looking into it I told Mr. Inghes I was not disposed to alter the Order in Council already made.

Next is Deputy Jack's case, referred to Attorney General and returned in 1857, with out any report. I had nothing to do with this. Charles Carlisle's case I never had before me. In the Secretary's Office the course is to send all cases to me, and I enter them in a book if they are not disposed of. I know at once upon looking at this book how the business stands. If Mr. Inghes had taken these cases, no difficulty would have occurred.

The next case is Sheriff Beckwith's. This I am confident was never sent to me.

Next the case of James Vance, in 1859—this case I do not remember, but must have gone through it, and found some difficulties

when we have endorsed on it, to wait till Dr. Gordon and Mr. Rice should come. I then forgot it, but Mr. Inghes should have sent it to me.

In the case of Thomas E. Perley.—Now this shows the mind of Mr. Inghes. I think Perley spoke to me once about this case; he died, and it with him. I never before was aware there were so many cases as Mr. Inghes now says to be referred to me.

Allusion was made to the advertisements it appeared something occurred about two years ago. The Surveyor General often complained that the advertising amounted to too much. It was a difficult thing to know how they should be distributed, I thought it was better to go into an inquiry and see if they could not be better arranged. It was argued in Council, that I should aid the Surveyor General, and see Inghes, to see if some better arrangement could not be made. We finally agreed I think in what I proposed.—This is the interference; it was done by the wish of all hands, that I should do so.

When I went to the Court in Victoria, in the Fall, two men by the name of Downey came to me, and stated they had cut down some 22 tons of rotten timber on Tibbitts license, which had been seized. I did not think it of much consequence. They said they were poor, and offered 2s. 6d. per ton of stumpage, I did not settle it or pretend to, but intimated that I thought Mr. T. would be satisfied. I saw the Seizing Officer and asked him; he said 'twas enough. A fortnight after that I came to Fredericton when I got a letter from Tibbitts complaining that it had been settled by my recommendation. I felt annoyed because I did not interfere at all. I went to the Crown Land Office, and said to Mr. Inghes that I was not aware of having said anything about it. He said I had not but the Surveyor General had settled it himself, and 'twas all right.'

Provincial Parliament.

FREDERICTON, March 12th.
Supply postponed to Wednesday.
Mr. Tilley laid on table report of Lunatic Asylum and List of Warrants asked for.

Mr. Lewis gave notice of motion for address for papers relating to Peticoilus Bridge.

Progress made in Mr. Ed's alien bill.

Long discussion in Crown Land Committee. Mr. Whitehead's testimony was contradictory in his Saturday's evidence reference to quantity of land obtained for Attorney General, showing he had applied for 800 acres more at Saugamock; also reference to some lands asserted to have been obtained for his (Whitehead's) brother.

Question was asked Inghes about trespass matter, which Ferris and Carpenter were concerned in 1850. Mr. Inghes hesitated answering, intimating Committee had better not go into it as it would involve a gentleman not now in politics.

After dinner explained money paid by Ferris to be sixty-six pounds, paid into Central Bank appearing. Inghes had impression it was in J. R. Partelow's credit on private account. This question whether Mr. Partelow placed money to private credit or credit of account as Provincial Secretary, not yet determined.

Reference to transactions with Light.—Land cost Inghes 8s. per acre. Light gave him 8s. 4d. per acre, which was well worth.

Homicide Bill agreed to; also Bill relating to Pilots.

Mr. Codlip introduced a Bill relating to aliens, provide for lessening time of residence before naturalization.

Progress made in the Bill to amend the Act relating to insolvent confined debtors.

LAND COMMITTEE.

Mr. Inghes asked to have words—Mr. Partelow pocketed the money—raised from yesterday's evidence—supported from Cashier's manner when showed him account—occurred to him since perhaps Public Account.

Mr. Wilmot called attention to a paragraph in the 'Globe' of 9th, reference to attempt to get Mr. Inghes to alter date.

Mr. Tilley read statement attested to by Thomas Hanford; was written by Mr. A. Shives, asserting Mr. Inghes told him (Shives) that Wilmot asked him to change one date to place Mr. Tilley in unfair position on Wilmot pronounced it an infamous lie. Mr. Inghes also contradicted it.

Mr. Inghes made a statement showing Mr. Tilley induced Mr. Wilmot to alter an address so that it did not include a court and ed—in returns—Tilley's Grants.

Inghes and Tilley occupied stand all the afternoon, chiefly explaining points already discussed.

It said that the copy right of "D x e Land" has given to the author \$4000.